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### REMARKS

#### **Support for the Amendments to the Claims**

The amendment to instant claim 1 seeks solely to re-align the order in which the recited species of coating composition have been presented and to make Applicants' desired species the first presented species of coating compositions, i.e. coating powders for examination. Support for this amendment may be found, for example, in the instant specification at page 6, lines 16-20 (2<sup>nd</sup> full paragraph).

The instant amendment has canceled the instant solvated coating species of the present invention solely to insure that examination reflects Applicants' intent in the instant application. The cancellation of the instant solvated coating species is for procedural reasons *only* and in no way reflects the patentability of instant solvated coating species.

Instant claims 14 and 17 have been amended solely to correct a typographical error by inserting needed spaces between words.

Upon entry of the present amendment, claims 1-6, 8-14 and 17-18 will stand pending in the instant application. No new matter has been added by the present amendment.

#### ***Election/Restriction Requirement***

Applicants have not yet made a species election except by original presentation.

Should an election/restriction requirement follow in response to this preliminary amendment, Applicants hereby elect the coating powder species of the instant invention, with traverse, instant claims 1-6, 8-14 and 17-18 readable thereon.

#### **Rejections Under 35 USC §103(a)**

Claims 1-6 and 8-13 stand rejected under 35 USC section 103(a) as being obvious over Hoechst AG, JP 8-283621A (Hoechst), of record, in view of each of

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the BASF Technical Information Bulletin for Laropal™ A-81 and Laropal™ A-101 (BASF), of record. The Applicants respectfully traverse these rejections as moot.

Hoechst fails to disclose any coating powder or aqueous coating, as instantly recited.

BASF fails to teach any intumescent composition, as instantly recited, fails to disclose any thermosetting resin, as instantly recited, and fails to disclose any resin proportions, as instantly recited.

Further, and contrary to the position taken in the rejection, there is no suggestion anywhere in Hoechst or BASF of motivation to combine the references. See MPEP 2143.01. At best, the references merely provide an invitation to experiment.

In fact, Hoechst teaches away from the use of the BASF resins. Whereas Hoechst, in the only teaching of even arguably thermoplastics in paragraph [0023], directs one to add softening agents, each BASF reference on page 2 in "Application", 2<sup>nd</sup> paragraph, teaches that its compounds improve hardness. One would not add something to improve hardness as a softening agent. Accordingly, the combination urged by the rejection would improperly urge the ordinary skilled artisan to proceed contrary to the teachings of Hoechst. See MPEP 2145.X.D.2. Thus, the instant claims proceed contrary to the teachings of Hoechst, evidencing their nonobviousness. MPEP 2145.X.D.3.

Even assuming *arguendo* that the combination of Hoechst and BASF is proper, which it is not, the combination fails to meet the coating powder or aqueous coating features, as instantly recited. As the art fails to disclose, teach or suggest each feature instantly recited, the rejections are improper and should be withdrawn,

For all of these reasons, the Applicants respectfully request the reconsideration and the withdrawal of all rejections.

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**CONCLUSION**

Based on the foregoing, the instant claims are believed to be in current condition for allowance. An early and favorable response is earnestly solicited. If the examiner has any questions problems concerning the instant application, (s)he is urged to contact the undersigned at the number given below.

Concurrently herewith, Applicants filed a Request For Continued Examination (RCE) under 37 CFR 1.114 in the instant application and the requisite fee under 37 CFR 1.17(e).

No additional fees are believed due. In the event that any fees are found owing, please charge deposit account no. 18-1850.

Respectfully, submitted



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